

REMARKS

Applicants have amended claim 15 by incorporating the limitation of claim 18 into the independent claim. Claims 21, 22 and 24 have been similarly amended. No new matter has been introduced through these amendments.

The examiner has rejected claims 15, 19-21 and 23 under 35 U.S.C. §102(a) as anticipated by Hodgson et al., WO 98/38326.

Applicants respectfully submit that this rejection has been obviated by the amendments set forth above to claims 15 and 21.

The examiner asserted that the reference teaches a method of synthesizing a double-stranded nucleic acid molecule that contains information that represents computer readable alphanumeric code. Hodgson et al. however, do not teach or suggest a method for synthesizing a double-stranded nucleic acid molecule containing information that represents a binary computer-readable alphanumeric code and so does not anticipate the invention set forth in the cited claims.

Claim 21 also has been rejected under 35 U.S.C. §102(e) as anticipated by Bancroft et al., U.S. Patent 6,312,911. The examiner asserted that the reference teaches a double-stranded nucleic acid molecule that contains information that represents computer readable alphanumeric code. As amended above, claim 21 requires that the alphanumeric code is a binary code. Applicants

respectfully submit that the reference does not teach or suggest a nucleic acid molecule which contains computer-readable binary information.

Claim 22 has been rejected under 35 U.S.C. §102(b) as being anticipated by Tyagi et al., *Nature Biotechnology* 16:49-53 (1998). The examiner asserted that the reference teaches a method of identifying at least one alphanumeric code unit contained in a double-stranded nucleic acid molecule. As amended above, claim 22 now requires that the alphanumeric code is binary. The cited reference does not teach or suggest a method for identifying a binary alpha-numeric code in a double-stranded nucleic acid molecule.

Finally, claim 24 has been rejected under 35 U.S.C. §103(a) as unpatentable over the Hodgson et al. reference cited above in view of the Stratagene Catalog. The examiner asserted that it would have been obvious to modify the teachings of Hodgson et al. by placing the reagents needed to perform the method into a kit format as taught by the secondary reference. As noted above, Hodgson et al. do not teach or suggest a method of synthesizing a nucleic acid molecule that contains information that represents computer-readable binary alphanumeric code. The secondary reference cited does not compensate for the deficiencies of the

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primary reference, and the references thus do not render obvious the invention claimed in claim 24.

Applicants respectfully submit that in view of the amendments to the claims and the remarks set forth above that the claims of this application are in condition for allowance.

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